

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7096

BILL NUMBER: SB 360

NOTE PREPARED: Jan 4, 2009

BILL AMENDED:

SUBJECT: Neglect of an Unborn Child.

FIRST AUTHOR: Sen. Stutzman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill specifies that, for purposes of the statute governing neglect of a dependent, a dependent includes an unborn child at any stage of development, and that a person "having the care of a dependent" includes a person carrying an unborn child. The bill also makes conforming amendments.

Effective Date: July 1, 2009.

Explanation of State Expenditures: This bill may increase neglect of a dependent convictions in the state by expanding the population of individuals that can commit the offense to those who are pregnant. The bill excludes abortions. [Current law requires a dependent to be born.] Offense classification for neglect of a dependent varies from a Class D felony to a Class A felony, depending on mitigating and aggravating circumstances.

Penalty Provision: Depending on mitigating and aggravating circumstances, each felony classification type is punishable by the following terms:

(1) A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor. (2) A Class C felony is punishable by a prison term ranging from two to eight years. (3) A Class B felony is punishable by a prison term ranging from 6 to 20 years. (4) A Class A felony is punishable by a prison term ranging from 20 to 50 years.

The average length of stay in Department of Correction (DOC) facilities for all (1) Class D felony offenders is approximately ten months, (2) Class C felony offenders is approximately two years, (3) Class B felony

offenders is approximately 3.7 years, and (4) Class A felony offenders is approximately 9.1 years.

Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase.

The maximum fine for (1) a Class D felony (2) a Class C felony, (3) a Class B felony, and (4) a Class A felony is \$10,000.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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